

## **REMARKS/ARGUMENTS**

### **I. Objections to the Claims**

According to the Office Action, claims 5 and 28 are objected to for the following informalities: the recitation of the term “deducting” in claim 5 does not have antecedent basis in claim 1, and the term “identify” in claim 28 should be --identifier--. In response, claim 5 is amended to replace the term “deducting” with --modifying--, which has antecedent basis in claim 1. Also, claim 28 is amended to replace “identify” with --identifier--.

### **II. Rejection Under 35 U.S.C. 102**

According to the Office Action, claims 26-31 stand rejected under 35 U.S.C. 102(e) for allegedly being anticipated by U.S. Patent 6,450,407 issued to Freeman et al. For the following reasons, this rejection is respectfully traversed insofar as it applies to claims 26-31 as amended.

Claims 26-28 are amended to cover a “guest data object . . . comprising a first data field containing an identifier of a tag worn by a guest and a second data field containing information related to monetary credits useful for making monetary transactions within a coverage area, wherein said guest data object is accessible by way of said tag identifier.” Claims 29-31 covers a guest data structure used to create such guest data object, and is similarly worded. The Freeman Patent does not describe or suggest such guest data object or guest data structure including a data field containing an identifier of a tag worn by a guest, wherein the guest data object is accessible using the tag identifier.

According to the Office Action, claim 35 stand rejected under 35 U.S.C. 102(e) for allegedly being anticipated by U.S. Patent 6,484,146 issued to Day et al. This rejection is respectfully traversed insofar as it applies to claim 35 as amended. Claim 35 is amended to recite “a reader/writer to read and modify information related to monetary credits for making monetary transaction within a coverage area, wherein said information is stored on a radio frequency identification (RFID) tag worn by said guest”. The Day Patent merely describes storing monetary credits information on a customer card. However, there is no suggestion that such information is stored on an RFID tag worn by a guest.

### **III. Rejection Under 35 U.S.C. 103**

III-A. Claims 1, 5, 9 and 32-33

Claims 1, 5, 9, and 32-33 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent in view of U.S. Patent 5,979,941 issued to Mosher, Jr. et al. For the following reasons, this rejection is respectfully traversed in.

Claims 1, 5, and 9 covers “a method of selling an item or service to a guest at a coverage area comprising reading an identification tag worn by a guest to obtain a tag identifier, accessing a guest data object using said tag identifier, and modifying monetary credits information stored in a monetary credits data field of said guest data object by a sales amount of said item or service.” Thus, the guest data object includes a field containing monetary credits information which can be modified by the sales amount of the item or service purchased.

In the Day Patent, the alleged “guest data object” (i.e. the customer account) merely contains information regarding purchases made by the customer (col. 3, lines 31-33 and col. 4, lines 38-40). Accordingly, the “guest data object” (i.e. the customer account) does not have a data field containing monetary credits information which can be modified based on the sale amount of the item or service purchased.

In fact, in the Day Patent, the special offer database (i.e. the alleged monetary credits) is separate from the customer account database (col. 3, lines 31-37). Based on the customer purchase habits information in the customer account, the purchase system determines if the customer is eligible for special offers. (col. 3, line 65 - col. 4, line 31). Accordingly, the special offer information is not present in a guest data object.

Furthermore, the apparent allegation that a “special offer” is “monetary credits” is respectfully traversed. According to the specification, “a POS system allows a guest to purchase food, souvenirs, and other items and services at the coverage area 102 without the need of using a credit card or cash.” A typical purchase entails a guest selecting a item to purchase, taking the item to the POS system, reading the RFID tag of the guest, and completing the transaction by modifying the amount of monetary credit previously purchased by the guest. (emphasis added) (page 7, paragraph 32). According to the Day Patent, a special offer is merely a coupon which reduces the selling price of an item being sold. (col. 3, lines 19-30). Money is still needed to purchase the item. Thus, a coupon is not monetary credits as specified in the claims.

Similarly, claims 32-33 covers a method of selling an item or service to a guest at a coverage are comprising "reading information related to monetary credits for purchasing said item or service within said coverage area from a tag worn by said guest; and modifying said monetary credits information based on a sales amount of said item or service. Again, in the Day Patent, a bar code is merely read from a customer card to access a customer account that contains information regarding previous purchases made by the customer. In claims 32-33, however, monetary credits information is read and subsequently modified by the sales amount of the item or service purchased.

For the above reasons, withdrawal of the rejection of claims 1, 5, 9 and 32-33 is respectfully requested.

III-B. Claims 2, 3 and 34

Claims 2, 3 and 34 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day patent as modified by the Mosher Patent, and further in view of U.S. Patent 5,905,249 issued to Reddersen et al. Claims 2-3 depend on independent claim 1 and claim 34 depend on independent claim 32. Therefore, for the same reasons outlined in section III-A, the rejection of these claims is respectfully traversed.

III-C. Claim 4

Claim 4 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Mosher Patent, and further in view of U.S. Patent 5,465,291 issued to Barrus et al. Claim 4 depends on independent claim 1. Therefore, for the same reasons outlined in section III-A, the rejection of this claim is respectfully traversed.

III-D. Claims 6, 7, 10, 13-16 and 18-19

Claims 6, 7, 10, 13-16 and 18-19 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Mosher Patent, and further in view of U.S. Patent 6,502,749 issued to Snyder.

Claims 6-7 depend on independent claim 1. Therefore, for the same reasons outlined in section III-A, the rejection of these claims is respectfully traversed.

Claims 10, 13-16, and 18-19 are amended to cover a “point-of-sale (POS) system includes a processor to transmit a tag identifier and item or service information to said central server by way of said network interface, and to receive a completion of transaction message from the central server by way of the network interface” (emphasis added). In Day, the system is used to provide special offers, such as coupons, based on previous purchases made by the customer. Accordingly, the Day system does not transmit a tag identifier and item or service information for the purpose of completing a sales transaction, and accordingly subsequently receiving a transaction completion message.

III-E Claim 8

Claim 8 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by Mosher, and further in view of U.S. Patent 6,220,515 issued to Bello and U.S. Patent 5,259,025 issued to Monroe et al. Claim 8 depends on independent claim 1. Therefore, for the same reasons outlined in section III-A, the rejection of this claim is respectfully traversed.

III-F. Claim 11

Claim 11 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Mosher and Snyder Patents, and further in view of Reddersen. Claim 11 depends on independent claim 10. Therefore, for the same reasons outlined in section III-D, the rejection of this claim is respectfully traversed.

III-G. Claims 12 and 17

Claims 12 and 17 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Mosher and Snyder Patents, and further in view of U.S. Patent 6,164,535 issued to Goodwin III. Claims 12 and 17 depend on independent claim 10. Therefore, for the same reasons outlined in section III-D, the rejection of these claims is respectfully traversed.

III-H. Claims 20-22

Claims 20-22 stand rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Mosher and Synder Patents, and further in view of the Bellow and Monroe Patents. Claims 20-22 depend on independent claim 10. Therefore, for the same reasons outlined in section III-D, the rejection of these claims is respectfully traversed.

III-I. Claim 23

Claim 23 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent in view of Snyder and U.S. Patent 5,465,291 issued to Barrus et al. Claim 23 recites "a guest data object" including a first data field containing information related to monetary credits. As discussed in section III-A, the "guest data object in the Day merely stores information related to previous purchases. Also, as previously discussed in section III-A, special offers or coupons are not monetary credits pursuant to the instant patent application.

III-J. Claim 24

Claim 24 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Snyder and Barrus Patents, and further in view of the Freeman Patent. Claim 24 depends on independent claim 23. Therefore, for the same reasons outlined in section III-I, the rejection of this claim is respectfully traversed.

III-K. Claim 25

Claim 25 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent as modified by the Snyder and Barrus Patents, and further in view of the Bello Patent. Claim 25 depends on independent claim 23. Therefore, for the same reasons outlined in section III-I, the rejection of this claim is respectfully traversed.

III-L. Claim 36

Claim 36 stands rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over the Day Patent in view of the Reddersen Patent. Claim 36 depends on independent claim 35. Therefore, for the same reasons outlined in section III-A, the rejection of this claim is respectfully traversed.



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IV. Conclusion

In view of the foregoing amendments and remarks, allowance of this patent application is respectfully requested.

**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 07/30/2003

By George L. Fountain  
GEORGE L. FOUNTAIN  
Reg. No. 36,374  
Tel.: (714) 557-3800 (Pacific Coast)

**Attachments**

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

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